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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Rafael A. Vazquez

Serial No.:

10/718,962

Filed:

11/21/03

For:

Tablet Containing System

Group Art Unit: 3751

Examiner: Phillips, Charles E

Att'y Docket No.: P02753

Commissioner of Patents

Alexandria, VA 22313-1450

## AMENDMENT

The Examiner's comments and the cited references of the Office Action mailed 01/13/05 have been carefully considered, and, responsive thereto, Applicant amends and state as follows:

## RESPONSE TO REQUIREMENT FOR RESTRICTION

In response to the restriction requirement set forth in the office action, a provisional election with traverse is made by Applicant.

Applicant respectfully submits, that in the present case, the requirement for restriction is not proper. According to MPEP § 803, "if the search and examination of an entire application can be made without serious burden, the examiner **must** examine it on the merits, even though it includes claims to independent or distinct inventions." (emphasis added) In the present case, the claims in each of the species identified by the Examiner clearly comprise similar elements that require searching in the same classes, and would not place undue burden on the Examiner. In fact, the Examiner has already searched all of Applicant's claims and has examined the merits of all of Applicant's claims.

Also per MPEP § 803 "Examiners must provide reasons and/or examples to support conclusions..." And, "...a serious burden on the examiner may be *prima facie* shown if the examiner shows by appropriate explanation of separate classification, or separate status in the art, or a different field of search as defined in MPEP § 808.02" Applicant respectfully submits that, in this case, the Examiner has not satisfied the above requirements of MPEP § 803, and that restriction is not proper.

It is therefore respectfully requested that the restriction requirement be withdrawn. If the Examiner is not persuaded and persists with the restriction requirement, Applicant provisionally elects FIG. 9. As amended, Claims 1-9, Claims 11-15, and Claims 17-20 read on FIG. 9.

## IN THE CLAIMS

Please amend the Claims in this application as follows:

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